



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**November 26, 2003**

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**SUBJECT:**           **2003-0836:** Application for a 9,680 square foot site located at **1582 Belleville Way** in an R-1 (Low Density Residential) Zoning District (APN: 320-04-033):

Motion                   Use Permit to allow an overhead patio cover of 850 square feet in the rear yard area.

**REPORT IN BRIEF**

**Existing Site Conditions**           One-Story Single Family Residence

**Surrounding Land Uses**

North                   Single Family Residential

South                   Single Family Residential

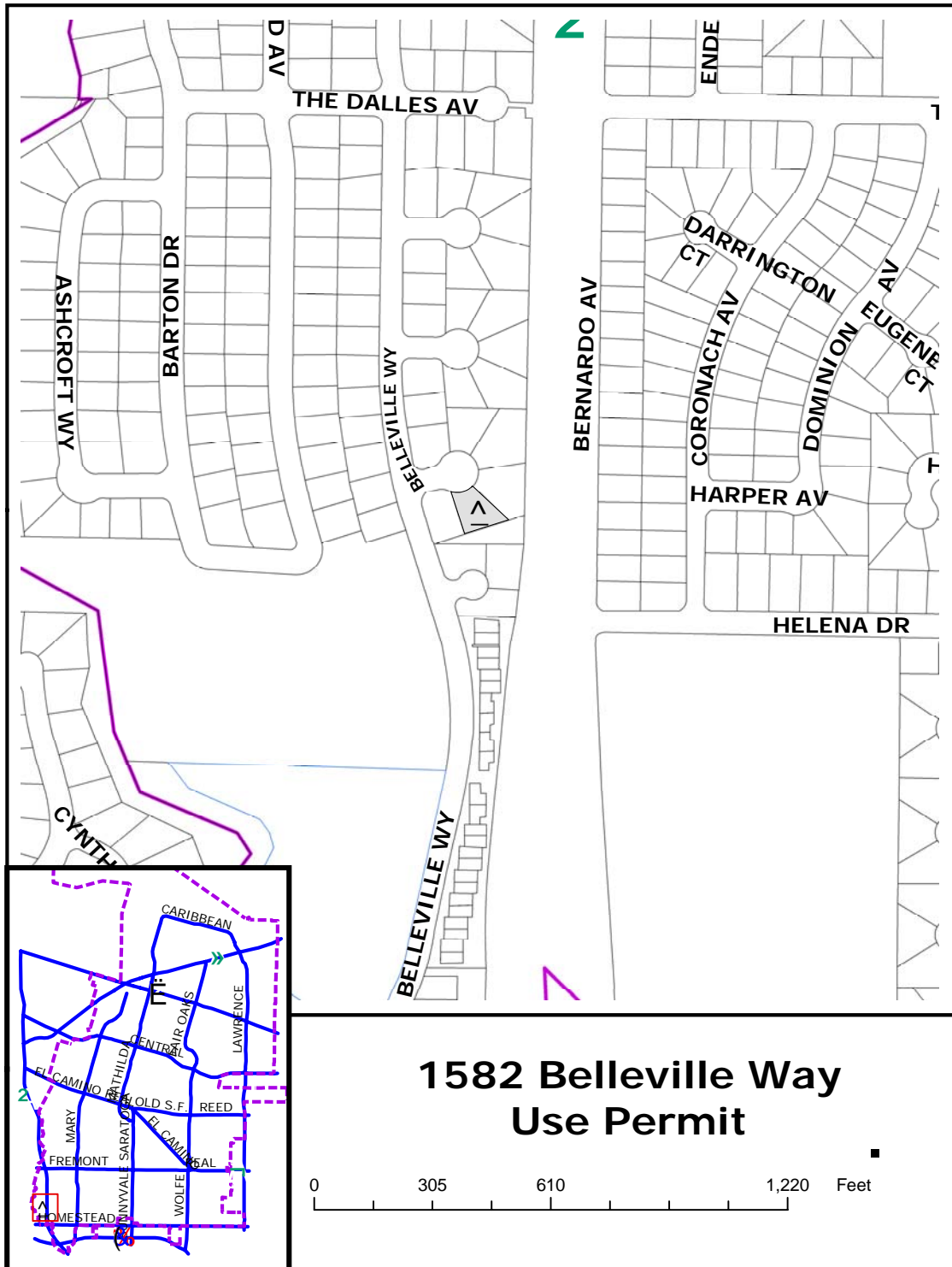
East                    Single Family Residential

West                   Single Family Residential

**Issues**                   Neighborhood Compatibility

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	RLO	RLO	RLO
<b>Zoning District</b>	R1	R1	R1
<b>Lot Size (s.f.)</b>	16644 sf (2 parcels)	same	8000 sf min.
<b>Gross Floor Area (s.f.)</b>	1600 sf	same	6750 sf max. w/out public hearing
<b>Lot Coverage (%)</b>	10%	same	45% max.
<b>Floor Area Ratio (FAR)</b>	10%	same	45% max. without public hearing
<b>Building Height (ft.)</b>	0 ft	9'8" ft	15 ft max.
<b>Setbacks</b>			
• <b>Front</b>	25ft	same	20min.
• <b>Left Side</b>	10ft	same	9ft min
• <b>Right Side ***</b>	8ft	3'8"ft	6ft min
• <b>Rear ***</b>	70ft	2'4"ft	10ft min.

\*\*\* Indicates deviations from Zoning Code.

**ANALYSIS****Background**

**Previous Actions on the Site:** There are no previously related planning applications at this site.

**Description of Proposed Project**

The applicant is proposing a new accessory structure of 868 sq. ft. The structure will be an overhead trellis spanning a new concrete patio area in the

rear yard of the property. This structure was started without a permit and is partially completed at present (see Attachment #5 for details).

### **Environmental Review**

A Class 11 Categorical Exemption for accessory structures relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 categorical exemptions include accessory structures.

### **Use Permit**

**Use:** The structure will be used as a shade structure and architectural feature in the rear yard area.

**Site Layout:** The accessory building is proposed to be approximately 2'4" feet from the rear property line and approximately 3'8" from the side property line. Since the structure is over 450 sq. sf., the structure must comply with all zoning setbacks according to the Sunnyvale Municipal Code (SMC). From the rear property line, the minimum required setbacks is 20 feet with some encroachment to 10 feet. In the side yard area, the minimum required setback is 6 feet. Currently there exists a seven foot high wood fence separating the subject parcel from the surrounding parcels.

The 16,644 sq. sf. property consists of two separate parcels. The main parcel, where the home is located, is 9,680 sq. sf. and the second smaller parcel is 6,964 sq. sf. The second parcel does not have access to a street or any improvements on the land. The proposed structure is crossing the property line between these parcels.

<b>Design Policy or Guideline (Site Layout)</b>	<b>Comments</b>
<b>City-wide Design Guidelines Accessory Utility Buildings D1:</b> <i>Accessory buildings must comply with the requirements of Section 19.40 of the Sunnyvale Municipal Code.</i>	The proposed shed does not comply with the setback requirements specified in Section 19.40.060.

**Architecture:** The accessory structure is proposed to be constructed of wood posts and wood lattice runners on top. The architecture is compatible with the existing home and property.

The following Guidelines were considered in the analysis of the project architecture:

<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<b>Sunnyvale Single Family Home Design Techniques 3.10 Accessory Structures B:</b> <i>Accessory structures should use the same wall, roof and trim materials as the main structure.</i>	The proposed structure matches the style or colors of the existing residence.

### **Compliance with Development Standards**

Since the total parcel size is 16,644 sq. sf., staff does not believe there is sufficient justification to support a deviation from SMC setback requirements. In addition, there are no physical constraints associated with this parcel that would require the placement of a patio structure to be closer to the property lines than SMC allows.

### **Expected Impact on the Surroundings**

One neighbor has submitted a letter opposing this application. The neighbor believes that the structure is too large and too close to their property. They state that the structure is infringing on their sense of privacy since it is visible from their backyard area and from inside their home. (see attachment #4 for additional details) This neighbor is the only property owner who would be affected by this structure.

### **Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

No fiscal impacts other than normal fees are expected.

**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

**Alternatives**

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1. Approve the Use Permit with Conditions as recommended by staff.
2. Approve the Use Permit with modifications.
3. Deny the Use Permit.

**Recommendation**

Alternative 1.

Prepared by:

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Steve Lynch  
Project Planner

Reviewed by:

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Gerri Caruso  
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Letter from neighbor
4. Photos of property
5. Site and Architecture Plans

## **Findings - Use Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will not negatively impact adjacent properties. Similar type structures are located in close proximity to the proposed use.

## **Land Use and Transportation Element**

**Policy N1.1:** Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

### **Action Statement N1.1.1**

Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the structure is a positive architectural feature that enhances the existing environment of the property and will not detract from the public welfare or interests of the surrounding property owners.

### **Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances and Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. Obtain Building Permits.
2. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
3. This Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
4. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
5. The proposed colors of the trellace structure shall be compatible with the existing colors of the residence.
6. The structure shall be altered to meet the setback requirements listed below. Architectural plans shall be submitted and approved by the Planning Division prior to issuance of a Building Permit.
  - The rear setback shall be a minimum of 10 feet from the rear property line for a maximum of 25% of the required rear yard area,
  - The right side yard setback shall be a minimum of 8 feet from the side property line.